

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD EARL MINDER,

Petitioner,

v.

WARDEN MELVIN LOCKETT, et al.,

Respondents.

Civil Action No. 08-214 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on July 28, 2008 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on September 4, 2008 [5], recommends that the Petitioner's motion for leave to proceed *in forma pauperis* be denied. The parties were allowed ten (10) days from the date of service to file objections. Objections were filed by Petitioner on September 15, 2008 [6]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 10th day of October, 2008;

IT IS HEREBY ORDERED that the Petitioner's motion [1] for leave to proceed *in forma pauperis* be, and hereby is, DENIED.

The Report and Recommendation of Chief Magistrate Judge Baxter, dated September 4, 2008 [5], is adopted as the opinion of the Court.

/s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record.
Chief U.S. Magistrate Judge Susan Paradise Baxter